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Counsel for Plaintiff
KLAMATH RIVERKEEPER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KLAMATH RIVERKEEPER, a non-profit public
benefit corporation organized under the laws of
the State of California,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, STEPHEN L.
JOHNSON, as Administrator of the United States
Environmental Protection Agency, and WAYNE
NASTRI, as Regional Administrator of the United
States Environmental Protection Agency, Region
9,

Defendants.

Case No. 3:07-cv-03908-WHA

**DECLARATION OF DREVET HUNT IN
SUPPORT OF PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

Fed. R. Civ. P. 56

Judge: Honorable William H. Alsup
Date: March 13, 2007
Time: 8:00 a.m.
Place: Courtroom 9, 19th Floor

1 I, Drevet Hunt, do hereby declare under penalty of law as follows:

2 1. I am an attorney with the law firm Lawyers for Clean Water, Inc., counsel of record for
3 Plaintiff Klamath Riverkeeper in the present lawsuit. I am an attorney licensed to practice before all
4 courts of the State of California and the United States District Court for the Northern District of
5 California. I have personal knowledge of the following facts and if called as a witness, I could and
6 would competently testify thereto.

7 2. I submit this Declaration in support of Plaintiff's Motion for Summary Judgment pursuant
8 to Civil L.R. 7-5.

9 3. On November 5, 2007 Defendants filed a certified copy of the index to the Administrative
10 Record and delivered a copy of the complete Administrative Record to me. I reviewed the
11 Administrative Record. I compiled true and correct copy of the relevant excerpts of the Administrative
12 Record cited in Plaintiff's Memorandum of Points and Authorities in support of its Motion for
13 Summary Judgment, which are attached hereto as Exhibit A.

14 4. The North Coast Regional Water Quality Control Board ("the Regional Board"), an agency
15 of the State of California, published its latest version of the Water Quality Control Plan for the North
16 Coast Region ("the Basin Plan") in January 2007. The Basin Plan is state law and certain elements of
17 it, once approved by EPA, are federal law. Cal. Water Code § 13247; *see Arkansas v. Oklahoma*, 503
18 U.S. 91, 110, 112 S. Ct. 1046 (1992). The Basin Plan is available at
19 <http://www.waterboards.ca.gov/northcoast/programs/basinplan/bpdocs.html>. On December 19, 2007, I
20 downloaded the Basin Plan from the Regional Board's internet home page and excerpted relevant
21 pages cited by Plaintiff in its Memorandum of Points and Authorities in support of its Motion for
22 Summary Judgment. A true and correct copy of the relevant excerpts of the Basin Plan is attached
23 hereto as Exhibit B.

24 5. The State Water Resources Control Board ("State Board") published the final, EPA-
25 approved, version of the 2004-2006 iteration of the State of California's CWA 303(d) List of Water
26 Quality Limited Segments ("2006 303(d) List") on July 28, 2007. The 2006 303(d) List is available at
27 http://www.swrcb.ca.gov/tmdl/303d_lists2006approved.html. On December 19, 2007 I downloaded
28 the Basin Plan from the State Board's internet home page and excerpted relevant pages cited by

1 Plaintiff in its Memorandum of Points and Authorities in support of its Motion for Summary Judgment.
2 A true and correct copy of the relevant excerpts of the 2006 303(d) List is attached hereto as Exhibit C.

3 I declare under penalty of perjury that the foregoing is true and correct to the best of my
4 knowledge and belief.

5 Executed this 19th of December in Lyons, Colorado.

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9 Drevet Hunt
10 Attorney for Klamath Riverkeeper
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